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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-11744 (E)

The meeting was called to order at 10.05 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/2000/8)

1. The CHAIRMAN drew the Commission's attention to the draft timetable for the consideration of agenda items, proposed by the Bureau, which was annexed to the order of the day, and informed it of the Bureau's decision to hold its meetings on Tuesdays and Fridays at 8 a.m. and at any other time that might prove necessary.

2. With regard to speaking time, the Bureau recommended that members of the Commission should be allowed one statement of 10 minutes or two statements of five minutes per item, while all observers, whether representing Governments or intergovernmental organizations, and non-governmental organizations (NGOs) should be allowed one statement of five minutes per item. An NGO would be limited to six statements per session. If joint statements were made by States or by NGOs, more time would be given to the speakers, within reasonable limits. If, following a collective statement by a group of States, one of them wished to take the floor again under the same item, the State concerned would have half the time normally accorded.

3. The Bureau proposed the following time limits for joint statements by NGOs: 5 minutes for 2 NGOs; 7 minutes for 3 to 5 NGOs; 10 minutes for 6 to 10 NGOs; and 12 minutes for more than 10 NGOs. All joint statements by NGOs would head the list of NGO speakers, if a request to that effect was made. In view of the limitation to six statements per NGO per session, a joint statement would count as one third of a normal statement.

4. With regard to States, whether members or observers, which were the subject of specific Commission reports or were regarded as concerned countries by the Bureau, the recommendation was that five minutes would be added to their normal speaking time on the item in question. In other words, members would be allowed to speak for 15 minutes and observer States for 10 minutes in total; if they so desired, their total speaking time could be divided into two separate statements.

5. Special rapporteurs, representatives, independent experts and chairpersons of working groups would be allowed an introductory (initial) statement of 10 minutes (plus 2 additional minutes for each mission undertaken by thematic rapporteurs) and concluding remarks lasting 5 minutes, if requested. All independent experts, special rapporteurs, etc. should be present in the conference room throughout the consideration of the relevant agenda items.

6. Guest speakers and dignitaries would be allowed up to 15 minutes. Rights of reply would be limited to two replies: three minutes for the first and two for the second. All rights of reply would be exercised at the end of the normal working day or of the general debate on a particular item. National human rights commissions or institutions would be allowed one statement of up to seven minutes. The introduction of consensus draft resolutions by one of the sponsors would be limited to three minutes. More time could be permitted for the introduction of other draft resolutions.

7. The list of speakers was opened at the beginning of the session for all participants speaking on any agenda item. There would be separate lists for members of the Commission, for observers and for NGOs; and statements would always be made in that order. If the list of speakers had not been exhausted during a particular meeting, those who had not spoken would speak first, in the same order, at the following meeting. The closure of the list of speakers on any particular item would be announced by the Chairman in good time.

8. Draft resolutions and decisions should be submitted, with due respect for editorial and other requirements, at least three working days before the date on which they were scheduled to be put to the vote. The deadline for the submission of draft resolutions would be set by the Chairman in consultation with the Bureau and announced in good time. There would be no requirement for a quorum except for meetings at which a vote was to be taken.

9. As for points of order, the Bureau recommended that the observer for Palestine should continue to be given the right to raise points of order relating to Palestinian and Middle East issues. States Members of the United Nations but not members of the Commission, participating in its work as observers, would also have the right to raise points of order. The use of points of order to interrupt the statements of guest speakers in order to express disagreement or provide arguments in favour of or against questions of substance raised by such speakers would not be admissible.

10. The Bureau recommended that agenda item 4 should remain open throughout the session.

11. As in previous years, a number of invitations should be extended in connection with the consideration of certain agenda items. The list of persons to be invited would be distributed to all members.

12. The Bureau recommended that action on all draft proposals by the Sub-Commission should be taken under the relevant items of the Commission's agenda.

13. Written statements submitted by NGOs could, as an exceptional and temporary measure, be circulated in the original language only, on the understanding that they would be translated into the three working languages after the session.

14. Mr. FERNANDEZ PALACIOS (Cuba) requested that delegations be given more time to consider the Bureau's recommendations, some of which would materially affect the way in which the Commission went about its work. In particular, his delegation was not yet in a position to agree to the adoption of the draft timetable. He suggested that a decision should be taken at the end of the debate on agenda item 3.

15. Ms. KUNADI (India) said that the recommendations - some of which were routine while others were innovative - might be circulated to delegations, thus providing scope for consideration and avoiding any possible misunderstandings.

16. The CHAIRMAN said that the representative of India had made a constructive suggestion. A decision would be reached later.

17. In reply to a question from Mr. LONG (United States of America), he said that, until a decision on how to proceed was taken, the Commission would follow past practice.

18. Mr. WIRAJUDA (Indonesia), speaking on behalf of the Asian Group, emphasized the need to streamline and rationalize the Commission's working methods, particularly if it was to achieve a more harmonious environment that would be conducive to consensus-building. Further efforts should be made to test effective time-management methods, limit additional meetings and facilitate and rationalize NGO participation, in conformity with the relevant Economic and Social Council resolutions.

19. The extended Bureau was a good management tool and an effective means of facilitating broad-based decision-making, but its work should be confined to managerial tasks. It could not be a substitute for the intergovernmental decision-making process or the human rights monitoring mechanisms, which would continue to be governed by the Commission or the relevant treaty provisions. His Group hoped, however, that the Bureau and Secretariat would continue to provide the necessary offices and computer facilities for the regional group coordinators.

20. The Commission should clarify the role of NGOs in such a way as to ensure that their participation enhanced its ability to address human rights issues in a more effective manner. The Secretariat should therefore ascertain the status of NGOs prior to the session and examine requests to make statements, so as to prevent unauthorized participation. Joint statements could be encouraged as a means of saving time and resources. Such action would help to ensure that NGO participation was objective and representative and to enhance cooperation between Governments and NGOs.

21. There had been several instances where accreditation procedures had not been fully complied with or had been abused to advance interests other than those of human rights. In 1999, one NGO had had its consultative status withdrawn for violating such procedures. In other instances, certain groups had misled some NGO representatives into unwittingly subscribing to documents. Such exploitation not only disrupted the Commission's deliberations but also undermined the valuable contributions of the many responsible NGOs. Wherever there was evidence of such abuse, therefore, the matter should be addressed and redressed immediately by an intergovernmental body, such as the Committee on Non-Governmental Organizations. It would also, of course, be open to the Bureau to consider whether it should take any action during the session.

22. The opportunities for consultation and consensus-building should be further examined and developed. The current session should provide particular potential for that approach: consensus had been reached on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. An important consensus had also been reached in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission. Such developments were important, since they ensured a greater degree of compliance and cooperation from Member States, as well as encouraging wider international cooperation for the promotion and protection of human rights. Consultations should therefore be

more frequent on as many draft resolutions as possible. All negotiations should be announced in advance and conducted in a transparent manner, without marginalization of the smaller delegations.

23. The Asian Group continued to advocate that the session be reduced to four weeks. Agenda items could be biennialized and clustered, resolutions reduced in number and length and time limits enforced without prejudice to the Commission's mandate. The Commission's cost-effectiveness would thereby be enhanced. It was imperative that documents be distributed well before the session.

24. With regard to the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, he hoped that the consensus reached would not be reopened and that a constructive approach would be taken, under agenda item 20, to the adoption of its report (E/CN.4/2000/112). The implementation of the report's recommendations should be in accordance with the appropriate legislative authority and procedures. On certain issues, such as interactive debate, the Commission would need more time to consider how such a debate should be conducted. All in all, however, the Working Group had demonstrated how much could be achieved if there were a harmonious atmosphere.

25. Mr. WANG Min (China) said that, while the Commission had made its due contribution to the promotion and protection of human rights throughout the world, some unhealthy factors had obstructed it from conducting its work normally and efficiently. Guiding principles should be established and working methods rectified in order to lead the Commission into the next century in an atmosphere of dialogue and cooperation. First of all, there should be calm, in-depth discussion on human rights issues, untainted by cold-war practices and ideology. Domestic political strife should not be allowed to obstruct the Commission's work. It was gratifying that more and more countries supported dialogue and opposed confrontation.

26. Secondly, equal emphasis should be placed on all human rights. The realization of the right to subsistence and the right to development formed the basis for the full realization of all other human rights and was of greater urgency to the developing countries, which accounted for the greater part of the world's population. The Commission had already made some efforts to redress the imbalance between the two categories of rights; the momentum should be maintained.

27. His delegation felt that the suggestion that Commission sessions be reduced to four weeks by reclustering and biennializing agenda items, among other measures, was a feasible one. The Commission should put it into effect as soon as possible, while debating the organization of its work and working methods.

28. Lastly, the consensus achieved, by great effort, in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission proved once again that no problem was beyond resolution, if all parties were sincere and ready to engage in dialogue and cooperation. His delegation supported the position expressed by the representative of Indonesia, on behalf of the Asian Group, with regard to the review and adoption of the Working Group's report.

29. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that Islam was a religion of peace and OIC members took particular interest in the Commission's work. Efforts to promote and protect human rights should be imbued with the principles of respect and tolerance towards all cultures. Most of the rights enshrined in the Universal Declaration on Human Rights had been defined by Islam more than 1,400 years previously.

30. The OIC continued to be actively concerned with human rights situations in various parts of the world. In January, an OIC ministerial delegation had visited Moscow to discuss concrete steps towards resolving the Chechen crisis; while stressing respect for the sovereignty and territorial integrity of the Russian Federation, the delegation had expressed concern over the continuation of hostilities in Chechnya and the ensuing humanitarian catastrophe.

31. The inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights had succeeded in forging a consensus on some highly controversial issues; that delicate balance must be preserved. Implementation of the proposed review package would enable the United Nations to focus on the promotional aspects of human rights. Cooperation between human rights mechanisms and individual States should be based on the definition contained in the Charter of the United Nations. Despite the efforts that had been made, the consultation process in the Commission continued to lack transparency, especially with regard to "country resolutions".

32. Adherence to the principles of objectivity and non-selectivity required by the Vienna Declaration would also serve to reduce political tensions and acrimony within the Commission. It was regrettable, for example, that the situation in one OIC member State had been under consideration for 17 years, despite acknowledgement by the international community of the progress it had made in the field of human rights. The Commission should focus on giving balanced consideration to situations of ongoing conflict where human rights were in greatest jeopardy.

33. When discussions and consultations were being scheduled, due consideration should be given to the problems of small delegations. In particular, the schedule for negotiations on draft resolutions should be clearly posted both in the conference room and on the UNHCR website at least 24 hours in advance. The possibility of instituting certain structured negotiations should also be examined. It was to be hoped that the established rules governing NGO participation would be properly respected.

34. At recent sessions of the Commission, slanderous attempts had been made to misrepresent the divine tenets of Islam, in order to cast the religion in a negative light. The right of freedom of expression brought with it enormous responsibilities. In a spirit of cooperation and constructive dialogue, all parties must refrain from attacking other beliefs or philosophies. The OIC would be submitting an updated version of its resolutions on the defamation of religions.

35. Ms. KUNADI (India) said that the working methods of the Commission must be kept under constant review with a view to enhancing their effectiveness and ensuring wider acceptability of the outcomes of sessions. It was necessary to achieve more cooperative work

arrangements, better time management and fuller contribution by NGOs, in conformity with the relevant Economic and Social Council resolutions. In that connection, her delegation endorsed the statement by the representative of Indonesia as coordinator of the Asian Group.

36. There had been some notable inter-sessional developments, including the consensual outcome of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, which had been possible thanks to the efforts of all parties. Her delegation supported the implementation of the report of the Working Group (E/CN.4/2000/112), providing that the legal requirements were met.

37. An appraisal of the progress to date would be useful. Timely availability of documentation, greater transparency with respect to draft resolutions, and further rationalization of the agenda would further enhance effectiveness. Politicization of the Commission's work should be avoided, as should confrontational approaches.

38. Her delegation supported the continuation of the extended Bureau, which ensured effective interaction with the various regional groups. The Bureau's role should, however, be confined to managerial tasks related to the Commission's work. It was to be hoped that the current session would yield positive results, especially on the issue of promotion of the right to development.

39. Mr. ALFONSO MARTÍNEZ (Cuba) said he noted that increasing numbers of dignitaries were participating in the Commission's work, to which they made an irreplaceable contribution, and expressed concern at the possibility of their being rudely interrupted if they exceeded their allocated speaking time of 15 minutes. While his delegation was not in favour of a return to the former practice of according unlimited time to such interventions, it thought that a limit of 15 to 20 minutes should be suggested only. Flexibility was essential, as was normal courtesy. At the very most, its suggestion would require one additional meeting per session. The proposed "special debate" and "interactive debate" were surely not more important than allowing high-ranking office-holders to have their say. If a dignitary from a member or observer State exceeded the time limit, the State in question could have the time for its next statement reduced.

40. With regard to the draft time-table, it was his delegation's view that item 9 should be voted upon in the fifth week of the session, as had been done the previous year, so as to postpone as long as possible the poisoning of the atmosphere in the Commission that regularly resulted therefrom. Thursday, 20 April 2000 seemed the most appropriate day.

41. The crisis relating to the organization of work arose from a lack of time to deal with the Commission's agenda properly. Despite the increase in the number of members of the Commission since 1992, as well as in the number of observers and NGOs attending its sessions and the number of issues covered, together with the consequent proliferation of draft resolutions, documentation and special procedures, only 63 meetings were scheduled for 2000, as compared with 70 in 1997.

42. It seemed that every effort was being made to limit the time available for consultations, with an effective reduction of 50 per cent over the past five years. Contrary to the principle of

full participation, the speaking time for NGOs had also been halved. Quality of debate within the Commission was being undermined by such restrictions. His delegation would revert to the subject under agenda item 20 and submit some formal proposals.

43. Mr. PALIHAKKARA (Sri Lanka), having endorsed the statement by the representative of Indonesia on behalf of the Asian Group, urged that the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112) be considered under agenda item 20 and its recommendations implemented as soon as possible.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF VENEZUELA

44. Mr. RANGEL VALE (Venezuela) said that his country was undergoing a significant political and institutional transformation. The promotion and protection of human rights were being given priority in both domestic and foreign policy and the right to life and social justice, as intrinsic components of a State subject to the rule of law, were in keeping with the aspirations of society.

45. The new Constitution, which reflected the most recent developments in international human rights law, gave full effect to all the human rights instruments to which Venezuela was a party. It obliged the authorities to investigate and punish human rights violations committed by State agents and to compensate the victims. It included machinery to overcome impunity, to prevent and punish torture and enforced disappearances, to educate the security forces in respect for human rights and to defend the rights of vulnerable groups. The ordinary courts were given exclusive competence to deal with offences of violation of human rights and the scope of the military courts was restricted. The death penalty had been abolished. The post of ombudsman had been created and a human rights defender had been elected in each state.

46. The indigenous issue was also being addressed in accordance with its social importance, the rules of the various international instruments and the relevant developments in international law. For the first time in the country's history, indigenous people were able to participate directly in the taking of major political decisions. Three indigenous representatives had been elected by the own communities to the Constituent National Assembly that had drafted the Constitution.

47. The process of incorporating human rights into the law of the land had not ended with the adoption of the new Constitution. Other legislative and administrative measures were being adopted to apply the provisions of the Constitution. His Government was convinced that the defence and protection of human rights was linked to democracy and its development and that there could be no democracy without respect for human rights.

48. At the international level, Venezuela had always been active in defending human rights. His Government had thus expressed its firm support for the Commission's work while rejecting any politicization or interested manipulation of that work and emphasizing cooperation rather than condemnation. Venezuela hoped to remain on the Commission for a further term and he was grateful to the Latin American and Caribbean Group for supporting its candidature.

49. His Government supported all efforts made in the treaty bodies and other international organs to ensure that States complied with the obligations they had freely assumed in respect of human rights but it firmly opposed the attempts by certain States to establish unilateral mechanisms for investigating the compliance of other States with their international obligations. There must be strict respect for national sovereignty.

50. The work accomplished on the new draft protocols to the Convention on the Rights of the Child was very satisfactory. When completed and adopted, those protocols would fill notable gaps in the Convention. Much still remained to be done, however.

51. The effect of globalization on developing countries was inextricably linked to the right to development. In those countries, increased trade and capital flows had only exacerbated poverty, increased unemployment and widened income disparities. Developing countries had been steadily marginalized by the adjustment and opening process dictated since the 1980s by the so-called Washington consensus. Appropriate measures must be devised as a matter of urgency to relieve the effects of structural adjustment and to alleviate foreign debt, so that development could begin again. The responsibility for good governance lay primarily with national Governments but the international community also had obligations that it could not afford to ignore. The right to development must be seen as an inalienable right. To that end, as the protestors at Seattle had made quite clear, the world economic paradigm had to be rethought.

STATEMENT BY THE VICE-PRESIDENT OF COLOMBIA

52. Mr. BELL LEMUS (Colombia) said that, despite his country's well-established democratic traditions and its rich natural and human resources, the social and economic inequalities common to all developing societies had contributed to the emergence of major problems such as drugs trafficking and insurgency. The human rights situation was directly affected by the internal conflict in the country, which had been exacerbated by the indiscriminate aggression of insurgent and self-defence groups. Their conspicuous disregard for basic international humanitarian law was having a severe impact on the civil population, whose fundamental rights were repeatedly violated.

53. There was always room for improvement in human rights even in times of peace, but the complexity of Colombia's situation made it particularly difficult for the State to reconcile the demands of the legitimate defence of the nation with the requirements for peace and security. President Pastrana's Plan Colombia was an attempt to do so by promoting a negotiated solution to the conflict. The aim was to pave the way for peace through economic recovery, the strengthening of defence and national security and the judicial system, the defence of human rights and social development.

54. The peace process was based on the principles of territorial integrity, democracy and human rights. The key difference between the current and past initiatives was that the aim was ultimately to demobilize and reintegrate ex-combatants into society. It was recognized that, in order to achieve sustainable peace, political, legal, social and economic reforms were needed.

55. Substantial progress towards a negotiated settlement had been made since his Government had first initiated exchanges with the Revolutionary Armed Forces of

Colombia (FARC). A "Common Agenda for Change" had been agreed, after which mechanisms for public participation had been established, including a national committee responsible for organizing public hearings and receiving proposals from the general public. A Negotiation and Dialogue Board was responsible for the agreed agenda, which fell into three broad areas: the social and economic structure; human rights, international humanitarian law and international relations; and democracy and the political structure of the State.

56. Progress had been made in defining a basis for negotiation with the National Liberation Army (ELN), and the Government had urged rebel groups to sign humanitarian agreements in order to spare the civilian population the adverse effects of the conflict and to pave the way for a negotiated settlement.

57. Consistency in government policy was essential to State cooperation with civil society and the international community, and the Government had produced inter-agency guidelines on promoting and guaranteeing human rights and implementing international humanitarian law. The Government was committed not only to protecting but also to guaranteeing human rights, and it was working to prevent violations and punish perpetrators, to compensate victims and help them to reintegrate socially.

58. Although it was necessary in such a complex situation to adopt peremptory measures, Colombia had a long-term human rights policy of cooperation with civil society in order to rebuild a set of values based on solidarity and tolerance. A central aim was to foster among the agents of the State and the population at large an awareness of the enforceability of human rights and their fundamental place in a culture of lasting peace.

59. The continued spread and escalation of the internal conflict was the principal cause of serious and systematic violations of fundamental rights and posed a constant threat to democratic institutions. The State had a constitutional duty to fight the rebels in legitimate defence of the rule of law, and it had inflicted serious losses on the rebel forces during 1998-1999. Rebel forces had stepped up their action against civilians, using weapons with indiscriminate effects, such as gas, and were engaging in large-scale kidnapping to swell their coffers and acquire heavier weaponry, but also as a systematic means of intimidation. His Government had given the Ministry of Justice and Law the task of coordinating a programme for the protection of personal freedom.

60. State policy to counter the so-called self-defence groups involved, on the one hand, direct combat and, on the other, the removal of the factors that contributed to the emergence of such groups. Direct operations by the armed forces had resulted in serious losses by the self-defence groups.

61. His Government wished to demonstrate that there were no official links between the forces of law and order and the self-defence groups and, to that end, had established a procedure similar to that already operating in the National Police, whereby the President of the Republic would dismiss any members of the armed forces who proved inefficient or gave unsatisfactory service in the fight against illegal armed groups. Moreover, a basic criterion for the promotion of members of the forces of law and order would be respect for human rights and effective action against armed groups.

62 Since the introduction of a new police and armed forces training programme including a human rights element, the number of allegations of human rights violations made against the forces of law and order had fallen drastically.

63 Greater efforts were being made to protect human rights defenders and trade union leaders. A US$ 4 million investment programme for the protection of witnesses and threatened persons had been established by the Ministry of the Interior. It was designed to protect the headquarters of human rights NGOs and trade unions and to provide personal protection for human rights defenders, including journalists.

64 An action plan had been implemented to prevent forced displacement and to care for displaced persons, and the Social Solidarity Network had established a joint technical unit with the Office of the United Nations High Commissioner for Refugees (UNHCR) to design and implement the required operation models.

65 With a view to ending impunity, a special committee, chaired by himself and including the Minister of the Interior, the Attorney-General and the Procurator-General, had been formed to promote the investigation of human rights violations.

66 Legislation was another central aspect of national human rights policy. One area in urgent need of reform was that of the military courts and, in June 1999, Congress had enacted legislation containing the new Military Penal Code, which had been brought fully into line with the 1991 Constitution and incorporated various Constitutional Court rulings. Congress had also passed an act defining the crimes of genocide, forced disappearance and forced displacement and modifying the definition of torture. A draft revised Penal Code was currently before Congress, one innovative aspect of which was the definition of a group of offences as violating international humanitarian law.

67 In the area of children's rights, legislation had been passed prohibiting the enlistment of persons under the age of 18 in the armed forces and punishing the recruitment of children by non-State armed groups. His Government particularly welcomed the approval of the text of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts and urged approval of the text of the draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography.

68 In December 1999, Colombia had signed the Statute of the International Criminal Court and his Government had immediately set up an expert group to assess the constitutional and legal implications of ratifying the Statute. In January 2000, the Executive had approved the Act to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. After informal consideration by the Constitutional Court, the Government would deposit the instrument of ratification. An exchange of notes had also taken place extending the agreement on the establishment of a branch of the Office of the High Commissioner for Human Rights in Colombia.

69. For Colombia, adherence to democracy, the preservation of the rule of law and respect for human rights and international law were fundamental principles. Democracy in Colombia was under threat, but the fight to defend it would not be abandoned.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWITZERLAND

70. Mr. DEISS (Switzerland) said that the promotion of human rights, democracy and the rule of law was a prime objective of his country's foreign policy. Swiss human rights policy was universal and took no account of the political, economic or social systems of those who violated human rights, or their geographical location. Action was based on objective criteria determined by international law and on reliable, factual information.

71. Switzerland would probably ratify the Statute of the International Criminal Court in 2001. That Statute was a major step forward in the protection of human rights and it was to be hoped that the 60 ratifications needed would be received before the shocking crimes so recently committed began to fade from memory. Switzerland also intended to ratify the ILO Worst Forms of Child Labour Convention, 1999 and the Convention on the Prevention and Punishment of the Crime of Genocide.

72. The Commission's work was central to the attainment of the objectives of the Charter of the United Nations and he was pleased to welcome its members to Geneva. He also welcomed the representatives of indigenous peoples and said he believed that Geneva would be the ideal location for the proposed permanent forum for indigenous peoples, which would shortly, he hoped, be created. He paid tribute to the work of the High Commissioner for Human Rights and her staff.

73. His Government's priorities for the fifty-sixth session of the Commission revolved around prevention, protection and promotion. It called on all States to finalize negotiations on the optional protocol to the Convention against Torture, an instrument of preventive diplomacy whose adoption Costa Rica and Switzerland had been proposing since 1992.

74. Despite the adoption in 1998 of the Declaration on human rights defenders, violation of their rights had not abated. It was clearly not enough to adopt an international agreement - it had to be implemented by the States. His delegation recommended the establishment of a monitoring mechanism and a post of special rapporteur to supervise technical assistance to States in implementing the Declaration.

75. Switzerland had for several years, in common with other States, promoted the idea of fundamental humanity standards. Such principles were essential in order to protect people in situations of internal violence. They could be based on existing international human rights law and humanitarian and refugee law and he hoped that the Commission would take up a strong position in favour of such standards.

76. With regard to the promotion of peace, priority should be given to protecting young people, particularly those involved in conflicts. His Government therefore welcomed the approval of the text of the long-awaited draft optional protocol on the involvement of children in

armed conflicts, which had been negotiated with the help of a coalition between Switzerland, other States and NGOs. States next had to accept their new obligations and translate them into action.

77. Turning to the human rights situation in particular countries, he said that, the human rights situation in China had not progressed well. His Government was still very concerned at the severe repression of minorities and religious groups, including Tibetans and members of democratic movements seeking to exercise their rights by participating in political activity.

78. His Government called on the Russian Federation to carry out full investigations into the atrocities such as summary executions and torture allegedly committed in Chechnya and to bring those responsible to justice. It invited the Russian authorities to cooperate with the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and international humanitarian organizations.

79. His Government was concerned at the way in which the death penalty continued to be applied in certain countries, including the United States, and to be used against minors and after procedures that did not always provide every judicial guarantee. It called on all countries to ratify the relevant instruments protecting individual rights at both the domestic and international levels.

80. In Kosovo, inter-ethnic violence and atrocities against members of minority groups must be strongly condemned. His Government called on the local leaders to renounce the cycle of violence and do all in their power to promote respect for individual human rights, tolerance and peaceful coexistence.

81. In conclusion, he said that the simplicity of the vision of the inherent dignity and inalienable rights of the individual set forth in the preamble to the Universal Declaration of Human Rights remained fully valid after 50 years. It only remained to act to ensure those rights.

STATEMENT BY THE MINISTER OF JUSTICE AND HUMAN RIGHTS OF GABON

82. Mr. MISSONGO (Gabon) said that, in the past 10 years, many countries of the world, particularly African countries, had entered a phase of political transition. Some of them had made considerable progress, while others had encountered obstacles. In countries on the road to democracy there was frequently a gap between the lofty aspirations of the people and their limited understanding of political systems and representative government. Most countries were currently implementing political and economic reforms which, although they would be beneficial in the long term, were the cause of tension and compromise in the short term.

83. Recognition should, however, be given to the progress that had been made. In Africa, there had been a noticeable advance in civil liberties and there was greater political freedom than 10 years previously. The question was how to bolster and consolidate such progress towards democracy.

84. Peace was always a key factor in development and progress. Gabon had organized the RECAMP peacekeeping operations in Lambaréné in January 2000, with the participation of forces from a number of Central African countries and logistic support from several Western countries.

85. Being well aware that respect for human rights was essential for democracy and social peace, Gabon was pursuing a vigorous policy for the promotion and protection of such rights. A Ministry of Human Rights had been established, human rights material was on the curriculum at all educational levels and an interministerial committee had been established to scrutinize the law for clauses that were discriminatory, against women in particular. His country had demonstrated its commitment to the principles governing national and international peace and security through its attempts to mediate in regional conflicts, by hosting refugees from Central Africa and by organizing relevant regional conferences.

86. Human rights were not dependent solely on the internal situation in any one given country, but were also affected by the amount of international support that was forthcoming. For example, Africa was unable to provide proper care for AIDS victims and the amount of aid given by international donors was insufficient.

87. In conclusion, he expressed the hope that the resolutions to be adopted by the Commission would help to strengthen world peace.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CROATIA

88. Mr. PICULA (Croatia) said that, while his country was cooperating fully with the United Nations High Commissioner for Human Rights, it was dissatisfied with the omnibus resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina, as well as with the mandate of the Special Rapporteur as it related to Croatia. His Government considered that the human rights situation in the three countries was markedly different. Successive special rapporteurs had seldom focused on the significantly different levels of human rights protection and cooperation provided by each country. Given that there was no comparison between the situation of human rights in each of the three countries, it was high time that the omnibus resolution was reconsidered. The mandate of the Special Rapporteur for the Republic of Croatia should be terminated and Croatia should be excluded from the omnibus resolution.

89. His country continued to play an active role in the work of the Stability Pact for South-East Europe, being convinced that the Pact was the best way to achieve its strategic foreign policy goals. Stability was essential to security, democratization, human rights, economic development and cooperation. Every effort was being made to create an environment in which the foundations could be laid for a peaceful and stable future. He hoped that the international community would support the momentum achieved within the Pact.

90. The return of refugees and displaced persons was the most important humanitarian issue facing his Government, which had assumed responsibility for all its citizens without discrimination and was determined to oppose any attempt to divide returnees into ethnic categories. It was also anxious to accelerate the pace of return and the reintegration of refugees.

He expressed his satisfaction with the security situation in the Danube region and with the cooperation between the OSCE Police Monitoring Group and the local Croatian police.

91. As part of its task of establishing full parliamentary democracy and rebuilding civil society, his Government would ensure the independence of the media, protect and promote minority rights and create a new climate in which NGOs would, in partnership with the Government, implement a series of programmes designed to promote, inter alia, minority rights, welfare services, the protection of the environment and gender equality.

92. Good relations with its neighbours were a foreign policy priority for Croatia. His Government fully respected the independence and territorial integrity of Bosnia and Herzegovina, would endeavour to implement in good faith the Agreement on the Normalization of Relations with the Federal Republic of Yugoslavia, and intended to cooperate with the International Criminal Tribunal for the Former Yugoslavia. He hoped that his country's cooperation with the Tribunal would encourage others to support the establishment of the International Criminal Court.

93. The challenge of the twenty-first century was to ensure that the number of those enjoying their human rights throughout the world was commensurate with the increase in the world's population.

The meeting rose at 12.55 p.m.